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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,000	12/16/2003	Astrid Gorge	MO 5980/HCSP70	5754
157	7590 02/08/2006		EXAMINER	
BAYER M	IATERIAL SCIENCE L	HENDRICKSON, STUART L		
100 BAYE	R ROAD GH, PA 15205	ART UNIT	PAPER NUMBER	
THIBBOK	.011, 111 10200		1754	
			DATE MAILED: 02/08/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		10/737,000	GORGE ET AL.			
		Examiner	Art Unit			
	·	Stuart Hendrickson	1754			
	The MAILING DATE of this communication app	1				
	Period for Reply					
WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANS IN THE MAILING DANS IN THE MAILING DANS IN THE MORE IN THE MAILING DANS IN THE MORE IN	ATE OF THIS COMMUNICATION B6(a). In no event, however, may a reply be time rill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEI	Lely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status	•					
1)⊠	Responsive to communication(s) filed on 16 November 2005.					
2a)	This action is FINAL . 2b)⊠ This action is non-final.					
3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
 4) Claim(s) 16,19-21,30 and 31 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 31 is/are allowed. 6) Claim(s) 16 and 19-21 is/are rejected. 7) Claim(s) 30 is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. 						
Application Papers						
10)	The specification is objected to by the Examiner The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the o Replacement drawing sheet(s) including the correcti The oath or declaration is objected to by the Example.	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
A44						
Attachmen	t(s) e of References Cited (PTO-892)	4) Interview Summary	(PTO-413)			
2) Notic 3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da				

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The request filed on 11/16/05 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) is acceptable.

Claims 16, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU '570 taken with Provance et al.

'కు <? గం The reference teaches treating BCC with hydroxide to make cobalt hydroxide. Also taught is making a paste.

The abstract does not teach the suspension or particle size, however Provance teaches in column 3 a paste of cobalt salts of the claimed particle size. Concerning the use of a 'suspension', this is deemed to differ from a paste in the water content.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a suspension of cobalt in the process of '570 because doing so makes the material more readily pumped and stirred, for better reactivity. See also In re Boesch 205 USPQ 215.

No difference is seen in the formula of the carbonate versus what the Su reference uses, since it is a hydroxy-carbonate which is an alternate expression for basic carbonate used by '570. The present subscripts encompass such a wide range, it appears that any hydroxycarbonate (or basic carbonate) would be encompassed thereby.

Concerning the particle size of the product, it is noted that it is the same size range as the starting material, so it appears met since the starting material of the reference can be of a wide range which includes the claimed range.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over SU '570 taken with Provance et al. as applied to claims 16, 19, 20 above, and further in view of JP '385.

SU does not calcine, but JP does to make the oxide. Performing the calcinations on the '570 product is an obvious expedient to make the valuable product desired by '385. Note that use of a material from one process as the starting material for a different process is an obvious expedient; In re Kamlet 88 USPQ 106.

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Applicant's arguments with respect to claims rejected above have been considered but are most in view of the new ground(s) of rejection.

It is noted that in claim 1, CO should be Co. The starting material appears to be within the limits of the claims, as does the particle size.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351,

Stuart Hendrickson examiner Art Unit 1754